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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

MALIBU MEDIA, LLC,

Plaintiff,

v.

AMIRAM PELED,

Defendant.

Case No. 2:18-cv-00141-KSH-CLW

**MOTION FOR ENTRY OF DEFAULT JUDGMENT
AGAINST DEFENDANT AMIRAM PELED**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, and pursuant to Fed.R. Civ.P. 55, hereby files its Motion for Entry of Default Judgment (“Motion”) against Defendant, Amiram Peled (“Defendant”), and in support thereof, states:

1. This is a case for copyright infringement arising under United States Copyright Act of 1976, as amended, 17 U.S.C. §§ 101 et seq. (the “Copyright Act”).

2. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question); and 28 U.S.C. § 1338 (patents, copyrights, trademarks and unfair competition).

3. Plaintiff used proven IP address geolocation technology which has consistently worked in similar cases to ensure that Defendant’s acts of copyright infringement occurred using an Internet Protocol address (“IP address”) traced to a physical address located within this District, and therefore this Court has personal jurisdiction over defendant because (i) Defendant committed the tortious conduct in this State, (ii) Defendant resides in this State, and/or (iii) Defendant has engaged in substantial and not isolated business activity in this State.

4. Indeed, Defendant resides in the State of New Jersey at 104 Harris Ave, Hopatcong, NJ 07843.

5. On January 5, 2018, Plaintiff filed its Complaint in this action [CM/ECF 1].

6. On August 3, 2018, Plaintiff filed its Amended Complaint [CM/ECF 12].

7. Service of summons and Amended Complaint was obtained as follows [CM/ECF 17]:

Defendant

Date of Service, Type of Service

Amiram Peled

August 11, 2018, Individual

8. New Jersey Rule 4:4-4(a)(1) allows for personal service by delivering a copy of the summons and complaint to the individual personally.

9. The Affidavit of Service [CM/ECF 17] details that the process server delivered the papers to the Defendant personally. Thus, service is appropriate.

10. Defendant has failed to plead or otherwise defend himself against Plaintiff's Amended Complaint.

11. On October 30, 2018, Plaintiff filed and served a request that the Clerk of the Court enter Defendant default pursuant to Fed.R.Civ.P. 55(a) [CM/ECF 19].

12. Clerk's Default was entered as to Defendant Amiram Peled on October 31, 2018.

13. Defendant is not a minor or an otherwise incompetent person or in active duty military service. See Decl. of Patrick J. Cerillo, Esq., filed contemporaneously herewith

14. This Motion is based on the allegations in Plaintiff's Amended Complaint. Defendant has admitted all of the facts alleged therein by failing to plead or otherwise respond to the Amended Complaint. See *Kennedy v. Creditgo, LLC*, Civil Action No. 15-1790 (JBS-KMW), 2015 U.S. Dist. LEXIS 161461, at *3-4

(D.N.J. Dec. 2, 2015) (“Once a party has defaulted, the Court must treat the factual allegations as proven by the Plaintiff”).

15. This Motion is further based on the facts attested to in the Declaration of Patrick J. Cerillo, Esq. and the Memorandum of Points and Authorities in Support of Motion for Entry of Default Judgment filed contemporaneously herewith, and the record of the proceedings and papers on file herein. These materials are sufficient to justify the requested relief.

WHEREFORE, Plaintiff, Malibu Media, LLC, respectfully requests entry of a default judgment in favor of Plaintiff and against Defendant, Amiram Peled, in the form of the Proposed Default Judgment and Permanent Injunction attached hereto, and for such other and further relief this Court deems just and proper.

Dated: March 15, 2019

Respectfully submitted,

By: /s/ Patrick J. Cerillo

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CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2019, I electronically filed the foregoing document with the Clerk of the Court and all parties using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I further certify that some of the participants in the case are not CM/ECF users. I have mailed the foregoing document via U.S. Mail to the persons set forth in the Service List below.

By: /s/ Patrick J. Cerillo
Patrick J. Cerillo, Esq.

Service List

Amiram Peled
104 Harris Ave
Hopatcong, NJ 07843